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April 11, 2025

The Honorable Joshua D. Wolson
U.S. District Court, E.D. Pa.
James A. Byrne United States Courthouse
601 Market Street
Philadelphia, PA 19106

VIA ELECTRONIC FILING

Re: *Bardy Diagnostics, Inc. v. iRhythm Techs., Inc.*,
C.A. No. 24-1355 (JDW) (D. Del.)

Dear Judge Wolson:

The parties have worked diligently to reach an agreement mooted the need for motion practice on iRhythm's Seventh and Ninth Affirmative Defenses, and Bardy's Seventh Affirmative Defense to iRhythm's counterclaim. As part of the agreement, iRhythm will withdraw its collateral estoppel defense (Ninth Defense), and amend its unenforceability defense (Seventh Defense) to remove inequitable conduct and redesignate the pleaded facts as an unclean hands defense. In return, Bardy will not file a motion to strike or move for judgment on the pleadings on iRhythm's Seventh and Ninth Affirmative Defenses. iRhythm will also not file a motion to strike or move for judgment on the pleadings on Bardy's Seventh Affirmative Defense to iRhythm's counterclaim directed to unclean hands and patent misuse.

iRhythm intends to file an amended pleading in line with the above by April 25, 2025. The amended pleading will also include the additional counterclaim for infringement of the patent that will issue from allowed U.S. Patent Application No. 18/936,888, as iRhythm noted in the Joint Rule 26(f) Report.

Respectfully,

/s/ Brian P. Egan

Brian P. Egan (#6227)

BPE/bac

cc: All Counsel of Record (via electronic mail)